

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** June 22, 2009  
**POSITION:** Oppose  
**SPONSOR:** California Coalition of Counselor Licensure

**BILL NUMBER:** SB 788  
**AUTHOR:** M. Wyland

### **BILL SUMMARY:** Licensed Professional Clinical Counselors

This bill would provide for the licensing and regulation of professional counselors by the Board of Behavioral Sciences (Board).

### **FISCAL SUMMARY**

According to the Department of Consumer Affairs (DCA), revenue to the Board would be generated by registration fees, application fees, initial license fees, renewal fees, examination fees, and fines. The fees and/or fines for each category would be determined by the Board through the regulatory process. No revenue would be expected in 2009-10 because applications would not be accepted until January 1, 2011, which is the earliest allowed for by this measure. After 2009-10, the Board estimates that they would receive approximately \$1.7 million in 2010-11, \$900,000 in 2011-12, \$1.4 million in 2012-13, and \$1.9 million ongoing. This revenue would be deposited into the Behavioral Sciences Fund.

The DCA also indicates that the Board would incur additional workload related to licensure and registration, examination development and oversight, enforcement, and administration. It is estimated that the Board would need twelve new positions and \$1.2 million in 2010-11, \$1.6 million in 2011-12, and \$1.3 million ongoing in additional expenditure authority from the Behavioral Sciences Fund to implement this measure.

We note that this measure specifies that the Board is not required to implement the provisions of this bill until funds have been appropriated from the Behavioral Sciences Fund, by the Legislature. Ultimately, any request for resources would be subject to review and approval through the annual budget process.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

### **COMMENTS**

The Department of Finance is opposed to this measure because it is unclear that there is a consumer protection need to regulate this profession. In 2006, a sunrise hearing was conducted to review whether professional counseling met the requirements for licensure. Specifically, the Joint Committee on Boards, Commissions, and Consumer Protection (Joint Committee) during the sunrise review period stated in its findings "it has not been clearly established that there is sufficient consumer protection justification for this proposal and that this proposal meets the threshold for licensure (the potential for serious injury or death, or severe financial harm)." We note that it does not appear that the current environment surrounding counselors have changed. If conditions have changed significantly that would justify this professions need for licensure, the sponsors should seek a new sunrise review by the Joint Committee. Until such a review has occurred this measure would be premature.

(continued)

Analyst/Principal (0242) K. Shelton	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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**AUTHOR**

**AMENDMENT DATE**

**BILL NUMBER**

M. Wyland

June 22, 2009

SB 788

**COMMENTS** (continued)

Existing law:

- Provides for the licensure and regulation of marriage and family therapists, social workers, and educational psychologists by the Board.
- Provides that the Board shall consist of eleven members.

This bill would:

- Provide for the licensure or registration and regulation of licensed professional counselors and interns by the Board.
- Add 4 additional members to the Board, to be appointed by the Governor and would make the provision establishing the Board inoperative and repealed on January 1, 2011.
- Enact various provisions concerning the practice of licensed professional counselors, interns, and counselor trainees, including, but not limited to, practice requirements, and enforcement specifications.
- Authorize the Board to issue licenses to individuals meeting certain criteria who apply between January 1, 2011 and June 30, 2011.
- Authorize the Board to begin accepting applications for intern registration on January 1, 2011, and for professional counselor licensure on January 1, 2012.
- Authorize the Board to impose specified fees on licensed professional counselors and interns, which would be deposited in the Behavioral Sciences Fund to carry out the provisions of the bill.
- Provide that the startup costs of the program shall be funded by a loan from the Behavioral Sciences Fund, upon appropriation by the Legislature.
- Provide that a violation of its provisions is a misdemeanor.

		SO	(Fiscal Impact by Fiscal Year)							
Code/Department		LA	(Dollars in Thousands)							
Agency or Revenue		CO	PROP						Fund	
Type		RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Code
1110/ConAfr-ReqBd		SO	No		--	C	\$1,196	C	\$1,579	0773
1200/Reg Tax&Licn		RV	No		--	U	\$1,729	U	\$900	0773
Fund Code	Title									
0773	Behavioral Science Examiners Fund									